

**IN N THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

<i>Swinerton Builders</i>	§	
Plaintiff,	§	
	§	
v.	§	
	§	
<i>Zurich American Insurance Company,</i>	§	CIVIL ACTION NO. 4:10-cv-01791
<i>Travelers Insurance Company, ACE</i>	§	
<i>American Insurance Company, Atlantic</i>	§	
<i>Casualty, Continental Western Insurance</i>	§	
<i>Company, Hartford Casualty Insurance</i>	§	
<i>Company, ACEA American Insurance</i>	§	
<i>Company and CNA Transportation</i>	§	
<i>Insurance Company, St. Paul Mercury</i>	§	
<i>Insurance Company & Amerisure Mutual</i>	§	
<i>Insurance Company, CNA Casualty Company</i>	§	
<i>Of Texas, & CNA Claimsplus, Inc.</i>	§	
	§	
Defendants.	§	

**PLAINTIFF ATLANTIC CASUALTY INSURANCE COMPANY'S
INITIAL DISCLOSURES**

TO: Plaintiff, Swinerton Builders, by and through its counsel of record, Lawrence J. West, JOHNSON, TRENT, WEST & TAYLOR, L.L.P., 919 Milam, Ste. 1700, Houston, Texas 77002.

Defendant, Zurich American Insurance Company, by and through its counsel of record, Marcus R. Tucker, ROYSTON RAYZOR, Pennzoil Place, 711 Louisiana Street, Ste. 500, Houston, Texas 77002.

Defendant, Continental Western Insurance Company by and through its counsel of record, Beth D. Bradley, TOLLEFSON BRADLEY BALL & MITCHELL, LLP, 2811 McKinney Ave., Ste., 250, Dallas, Texas 75204.

Defendant, Hartford Insurance Company, by and through its counsel of record, Alan M. Posner, Wayne S. Karbal, KARBAL, COHEN, ECONOMOU, SILK & DUNNE, LLC, 150 S. Wacker Dr., Ste. 1700, Chicago, IL, 60606 and Robert G. Dees, MARTIN, DISIERE, JEFFERSON & WISDOM, L.L.P., 808 Travis, Ste. 1800, Houston, Texas 77002.

Defendant, St. Paul Mercury Insurance Company, by and through its counsel of record, Veronica M. Bates, Alissa Kirksey Christopher, HERMES SARGENT BATES, L.L.P., 901 Main St., Ste 5200, Dallas, Texas, 75202.

Defendant, Amerisure Mutual Insurance Company, by and through its counsel of record, David M. Pruessner, THE LAW OFFICES OF DAVID M. PRUESSNER, 13155 Noel Road, Suite 1025, Dallas, Texas 75240.

Defendant, ACE American Insurance Company, by and through its counsel of record, Joseph A. Ziemianski, COZEN O'CONNOR, 1221 McKinney Street, Ste. 2900, Houston, Texas 77010.

. Plaintiff, Atlantic Casualty Insurance Company ("Atlantic Casualty"), serves these initial disclosures as required by Federal Rule of Civil Procedure 26(a)(1).

A.

INDIVIDUALS WITH DISCOVERABLE INFORMATION

The name, address, and telephone number of individuals likely to have discoverable information that Atlantic Casualty may use to support its claims or defenses, unless solely for impeachment, and the subjects of the information that they possess are as follows:

Swinerton Builders
by and through its counsel of record
Larry West
JOHNSON, TRENT, WEST & TAYLOR, L.L. P.
919 Milam Street, Suite 1700
Houston, Texas 77002
Plaintiff in this lawsuit and Defendant in the underlying lawsuit.

Cypress Industrial Coatings
Stephen Zamprelli
12922 New Cypress Drive
Cypress, Texas 77429
Third-Party Defendant in the underlying lawsuit and Atlantic Casualty's insured.

Zurich American Insurance Company
by and through its counsel of record
Marcus R. Tucker
ROYSTON RAYZOR
Pennzoil Place
711 Louisiana Street, Ste. 500
Houston, Texas 77002
Defendant in this lawsuit.

Continental Western Insurance Company
by and through its counsel of record
Beth D. Bradley
TOLLEFSON BRADLEY BALL & MITCHELL, LLP
2811 McKinney Ave., Ste., 250
Dallas, Texas 75204
Defendant in this lawsuit.

Hartford Insurance Company
by and through its counsel of record
Alan M. Posner and Wayne S. Karbal
KARBAL, COHEN, ECONOMOU, SILK & DUNNE, LLC
150 S. Wacker Dr., Ste. 1700
Chicago, IL, 60606
and Robert G. Dees
MARTIN, DISIERE, JEFFERSON & WISDOM, L.L.P.
808 Travis, Ste. 1800
Houston, Texas 77002
Defendant in this lawsuit.

St. Paul Mercury Insurance Company
by and through its counsel of record
Veronica M. Bates and Alissa Kirksey Christopher
HERMES SARGENT BATES, L.L.P.
901 Main St., Ste 5200
Dallas, Texas, 75202
Defendant in this lawsuit.

Amerisure Mutual Insurance Company
by and through its counsel of record
David M. Pruessner
THE LAW OFFICES OF DAVID M. PRUESSNER
13155 Noel Road, Suite 1025
Dallas, Texas 75240
Defendant in this lawsuit.

ACE American Insurance Company
by and through its counsel of record
Joseph A. Ziemianski
COZEN O'CONNOR
1221 McKinney Street, Ste. 2900
Houston, Texas 77010
Defendant in this lawsuit.

Myrissa Dixon
American Claims Service, Inc.

P.O. Box 8010

Goldsboro, NC 27533-8010

Ms. Dixon is the litigation claims examiner handling the coverage lawsuit filed against Atlantic Casualty by Swinerton Builders and has knowledge of the policy and the claim.

Atlantic Casualty will supplement these disclosures as applicable, and as discovery requires.

B.

RELEVANT DOCUMENTS AND TANGIBLE THINGS

A copy of all documents, data compilations, and tangible things that are in the possession, custody, or control of the party and that Atlantic Casualty may use to support its claims or defenses, unless solely for impeachment, are being produced with these disclosures. Atlantic Casualty will supplement these documents as applicable, and as discovery requires.

C.

INFORMATION RELATED TO CALCULATION OF DAMAGES

Atlantic Casualty is not seeking damages at this time; however, Atlantic Casualty reserves the right to amend this response at a later date.

D.

INSURANCE

Not applicable.

SAVRICK, SCHUMANN, JOHNSON,
MCGARR, KAMINSKI & SHIRLEY, L.L.P.

By: 
Camille Johnson, Attorney-in-Charge
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Southern Bar No. 16414
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Email: mkilany@ssjmlaw.com

Counsel for Atlantic Casualty Insurance Company

CERTIFICATE OF SERVICE

Pursuant to Texas Rules of Civil Procedure 21 and 21a, a true and correct copy of the foregoing has been served upon all counsel of record via certified mail, return receipt requested, on this 18th day of August 2010

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